

Remarks

The Official Action dated June 17, 2004 has been carefully considered. Consideration of the amendments and the following remarks, and reconsideration of the rejections, are requested.

Claims 1-16 remain in the present application, and claims 17-19 have been cancelled.

Claims 1 and 11 have been amended for clarification. Claim 20 has been added to further define the scope of the invention. No new matter has been added, and support for all of these amendments is provided in the specification (e.g., pg. 7), drawings (e.g., FIGS 1-3) and claims as originally filed.

The Examiner has rejected claims 1-16 under 35 U.S.C. §102(b) under the argument that they are anticipated by U.S. Patent No. 3,891,237 to Allen. As the Examiner is aware, in order to anticipate a claim, a reference must teach each and every element of the claim. MPEP § 2131. Allen discloses a trailer hitch having an elongated shank 10 with a keeper notch 42 for coupling with a spring urged pawl 74. (See FIG. 2). The hitch may be uncoupled by "manually applying a depressing force to an upstanding button or projection 90 formed on the rearward end portion of the pawl 74." (Column 4, lines 18-21). The Examiner has indicated that projection 90 is the same as the release mechanism cited in claims 1 and 11 of the Application. However, as discussed herein, independent claims 1 and 11 include distinguishing features over Allen.

For example, as illustrated in FIGS. 1-3 of the Allen patent, button or projection 90 is integral with pawl 74 and formed on the rearward end thereof. (See also, Column 4, lines 18-21). In contrast, amended claims 1 and 11 both recite that the release mechanism be: configured to pivot relative to said base and configured to apply upward force to said jaw assembly upon downward actuation of said release mechanism to move said jaw assembly into said disengaged position. With regard to Allen, the projection 90 is neither configured to

pivot relative to the elongated socket member 50 (referred to as base by the Examiner) nor is it configured to apply upward force to the pawl 74 (referred to as the jaw assembly by the Examiner). First, as previously discussed, in Allen, the button or projection 90 is integral with the pawl 74 only, and therefore, is not configured to pivot relative to the elongated socket member 50. In contrast, claims 1 and 11 recite that the release mechanism is "configured to pivot relative to said base." Therefore, "release mechanism" of claims 1 and 11, while associated with jaw assembly, is separate therefrom. In addition, Allen does not disclose the "foot step" of claims 1 and 20.

Moreover, in Allen, while manual application of a depressing force to an upstanding button or projection 90 located at the rearward end of pawl 74 will uncouple pawl 74, it is noted that the projection 90 does not apply upward force to pawl 74 as recited in claims 1 and 11. In addition the projection of Allen is not configured to cause upward movement of the jaw assembly upon downward actuation of the foot step as in claim 20. Rather, one must apply downward force to projection 90 (e.g. integral pawl 74) in order to uncouple the pawl 74. The only force applied by projection 90 to pawl 74 is downward force, not upward force. Accordingly, because the projection 90 of Allen does not apply upward force to pawl 74, Allen does not anticipate claims 1 and 11.

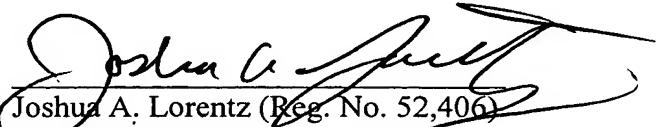
In addition, one embodiment of the invention is configured as such to provide an automatic hitch assembly which easily disengages a trailer. For example, as set forth in page 9 of the specification of the Application, "it is believed less effort is needed to move the biased (and weighted) jaw assembly into a disengaged position with the incorporation of a release mechanism associated adjacent the hook of the jaw assembly and configured to provide upward force thereon."

It is believed that the above represents a complete response to the Examiner's rejection under 35 U.S.C. § 102, and that the present application is in condition for

allowance. In particular, the independent claims are patentably distinct for at least the reasons discussed above, and the dependant claims are likewise distinct for at least these reasons. Reconsideration and early allowance are requested.

Respectfully submitted,

Jeffrey W. Blanton



Joshua A. Lorentz (Reg. No. 52,406)

DINSMORE & SHOHL LLP

1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8564
Attorney for Applicant